



COUNTYWIDE CRIMINAL JUSTICE COORDINATION COMMITTEE



500 WEST TEMPLE STREET, ROOM 520 • LOS ANGELES, CA 90012 • (213) 974-8398

August 1, 2017

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

The Honorable Board of Commissioners
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors/Commissioners:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

1-D August 1, 2017

LORI GLASGOW
EXECUTIVE OFFICER

AUTHORIZE FUNDING AGREEMENT FOR ADMINISTRATION AND MONITORING SERVICES IN SUPPORT OF THE COURT-REFERRED COMMUNITY SERVICE PROGRAM (ALL DISTRICTS AFFECTED) (3 VOTES)

SUBJECT

This is a joint recommendation by the Countywide Criminal Justice Coordination Committee (CCJCC) and the Community Development Commission (CDC) for administration and monitoring services in support of the Court-Referred Community Service Program. CDC will be acting on behalf of the County of Los Angeles (County) in performing such services.

IT IS RECOMMENDED THAT THE BOARD:

1. Authorize the County's implementation of a Court-Referred Community Service Monitoring Program (Monitoring Program).
2. Instruct the Executive Officer of the Board of Supervisors, or her designee, to negotiate, execute, amend and, if necessary, terminate for convenience, a three-year funding agreement (Funding Agreement) with CDC, authorizing CDC to act as the agent of the County in implementing the Monitoring Program, outlining the functions and terms of the Monitoring Program, and authorizing the Executive Office to transfer \$250,000 annually and

up to \$500,000 in one-time funds to CDC, pursuant to the Master Services Agreement dated August 7, 2012 between the County and CDC.

IT IS RECOMMENDED THAT YOUR BOARD, ACTING AS THE BOARD OF COMMISSIONERS OF THE COMMUNITY DEVELOPMENT COMMISSION:

1. Authorize the Executive Director of CDC, or his designee, to act as the agent of the County in performing administration and monitoring services in support of the Court-Referred Community Service program, including, but not limited to, negotiating a Memorandum of Understanding (MOU) with the Superior Court of California – County of Los Angeles (Court), developing standards/requirements for community service referral agencies, monitoring compliance with the standards established, and instituting a process to update the list of community service referral agencies utilized by the court.
2. Authorize the Executive Director of CDC, or his designee, to negotiate, execute, amend and, if necessary, terminate for convenience, a three-year Funding Agreement with the County outlining the functions and terms of the Monitoring Program and to accept and incorporate \$250,000 annually and up to \$500,000 in one-time funds from the County to implement the Monitoring Program.
3. Find that approval of the Monitoring Program, as described herein, is not subject to the provisions of the California Environmental Quality Act (CEQA) because it will not have the potential for causing a significant effect on the environment.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Community service is an alternative sentencing option in lieu of fines and/or incarceration for individuals who are convicted of infractions or misdemeanors. Community service is a vital criminal justice program that promotes individuals' accountability for law violations in a fair manner, prevents escalating sanctions for non-payment of fines, and preserves scarce justice resources for more serious matters.

Individuals who choose to perform community service in a matter before the Court currently contact one of nine community service referral agencies servicing 24 courthouses located throughout the County. The referral agencies charge a fee, arrange the performance of community service at a non-profit organization, and review and assist the participants in reporting to the Court the hours of community service performed.

The Court estimates that approximately 80,000 persons perform community service per year through the Court-Referred Community Service Program. In addition to the program being an option for individuals with citations, defendants convicted of misdemeanors or felonies may have community service imposed as a part of their sentence in lieu of all or a portion of imprisonment or a fine.

For 29 years, the County provided administrative oversight of the designated referral agencies handling assignment of community service for Court-referred defendants. In 2004, this arrangement ended due to budget constraints. There are currently no state laws or local ordinances regulating the agencies on court-referred community service referral lists, and no agency currently monitors them. Additionally, there has not been a process to update the list of current providers since 2004.

The Court advises that per the Judicial Council, it is not permitted to utilize trial court resources to perform such oversight functions.

As such, the Court has requested the County to develop and implement a program to monitor community service referral agencies. CCJCC has explored this issue and facilitated discussions with the Court, Sheriff's Department, Probation Department, CDC, Office of Diversion and Reentry, Chief Executive Office (CEO), and County Counsel. All parties agree that CDC is best situated to develop and implement the Monitoring Program in support of the Court-Referred Community Service Program. The Monitoring Program includes, but is not limited to, the following:

- Standards and Requirements for Referral Agencies – CDC will initially work to institute uniform standards for providers on the Court's existing list of referral agencies, such as common fee schedules, insurance requirements, and forms to report completed service hours to the Court.
- Monitoring Compliance with Established Standards – CDC will implement the Monitoring Program to ensure referral agencies are operating in compliance with established standards. CDC will also periodically examine documents to verify proper completion and documentation of community service and ensure all appropriate business licenses, insurance and any other documents required for referral agencies to operate are current.
- Instituting a New List and Qualification Process for Referral Agencies – CDC will develop a process for all current and prospective community service referral agencies to qualify for inclusion on a new and updated list of designated community service referral agencies.

As CDC establishes standards for providers and monitors their compliance, the Court plans to accept only community service hours that were arranged through referral agencies on CDC's approved list. This will ensure program consistency throughout the County.

CDC has expressed its willingness to assume this duty and has demonstrated its ability to perform such functions through its similarly operated traffic school program, which permits persons to attend traffic school in lieu of a conviction for traffic tickets.

CDC will act as the agent for the County in management and administration of the Monitoring Program and in negotiation of an MOU with the Court. CDC has determined the annual operating budget for this Program to be \$250,000. Funding will be transferred to CDC through the Funding Agreement with the Executive Office.

FISCAL IMPACT/FINANCING

One-time funding of \$500,000 and \$250,000 in on-going funds for annual operational costs for the Monitoring Program were transferred from CEO Provisional Financing Uses (PFU) budget to the Executive Office, Board of Supervisors during fiscal year 2017-18 Final Changes budget. The one-time funding will be held by CCJCC and distributed to CDC on an as-needed basis subject to approval by CCJCC's Executive Director. The on-going funding, which is Net County Cost funding previously allocated by the Board, will be incorporated into CDC's annual budget process during the term of the Funding Agreement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Court initially sought to implement a contractual process to implement a monitoring program for referral agencies on its own. However, the Legal Service Office of the State Administrative Office of

the Courts advised that this is a County function and that the Court could not enter into such agreements.

ENVIRONMENTAL DOCUMENTATION

This action is not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378 because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

CONTRACTING PROCESS

The Master Services Agreement, executed on August 21, 2012, between the County and CDC allows for the reciprocal provision of services between the County and CDC. Approval of the recommended actions would authorize the negotiation and implementation of a funding agreement by which CDC can operate as the agent of the County to perform administrative functions as needed by the County. CDC's duties would include implementation and oversight of the Monitoring Program and negotiation of an MOU with the Court.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The Court-Referred Community Service Program does not currently have an ability to monitor the work of community service referral agencies or the actual community service being performed. There have been past instances of fraud; in other cases, defendants ordered to perform community service have been defrauded themselves. Currently, there are no established requirements or consistent protocols. While many of the referral agencies are housed in courthouses, none have any agreements with the Court or the County.

Approval of the Monitoring Program would alleviate concerns expressed by Court leadership and prevent the reduction in use of the Community Service Program. This proposal will significantly benefit the residents of the County by preserving and strengthening an alternative to the increasingly high cost of fines and/or incarceration.

As confidence in the Community Service Program increases due to the oversight recommended in this letter, the Court believes that bench officers may be more inclined to offer community service as an alternative to fines, penalties, and/or incarceration. Ultimately, the Court-Referred Community Service Program has the potential to be enhanced in ways that could help more people coming into contact with the system.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'MDJ' with a stylized flourish at the end.

MARK DELGADO
Executive Director

A handwritten signature in blue ink, appearing to read 'Sean Rogan' with a horizontal line extending from the end.

SEAN ROGAN
Executive Director

MD:sv

c: Chief Executive Office
County Counsel
Executive Officer, Board of Supervisors
Sheriff
Superior Court
Probation
Office of Diversion and Reentry